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APPLICATION NO.	F	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,854	04/14/2004		Paul Tashjian	PTJ-101US	5501
23122	7590	08/15/2006		EXAMINER	
RATNERP	RESTIA		CHAMBERS, TROY		
P O BOX 98 VALLEY FO		'A 19482-0980	ART UNIT	PAPER NUMBER	
	- /		3641		
			DATE MAILED: 08/15/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

								
		Applicati n N .	Applicant(s)	Applicant(s)				
	Office Action Summary	10/823,854	TASHJIAN, PAUI	L				
	Office Action Summary	Examiner	Art Unit					
		Troy Chambers	3641					
Peri d fo	The MAILING DATE of this communication ap or Reply	pears on the cover sheet	with the correspondence a	ddress				
WHIC - Exter after - If NO - Failu Any r	CHEVER IS LONGER, FROM THE MAILING Ensions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statutely received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUN 136(a). In no event, however, may will apply and will expire SIX (6) Mile, cause the application to become	NICATION. a reply be timely filed ONTHS from the mailing date of this ABANDONED (35 U.S.C. § 133).	, i				
Status								
1)	Responsive to communication(s) filed on <u>04 A</u>	August 2006						
· <u> </u>		s action is non-final.						
· —	<u> </u>							
٠,٠	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims	, , , , , , , , , , , , , , , , , , , ,	, , , , , , , , , , , , , , , , , , , ,					
-	Claim(s) 1-26 is/are pending in the application	1						
	4a) Of the above claim(s) <u>3,4 and 6-24</u> is/are		ation.					
	Claim(s) is/are allowed.							
·	Claim(s) <u>1, 2, 5, 25 and 26</u> is/are rejected.							
	Claim(s) is/are objected to.							
	Claim(s) are subject to restriction and/	or election requirement.						
Applicati	on Papers							
	The specification is objected to by the Examin	٥,						
	•		o by the Evaminer					
10/	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
	Replacement drawing sheet(s) including the correct	- · ·		CFR 1 121(d)				
11)	The oath or declaration is objected to by the E	•	• • •	* *				
	inder 35 U.S.C. § 119							
	Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C.	8 119(a)-(d) or (f)					
	☐ All b)☐ Some * c)☐ None of:	in priority under 00 0.0.0	. 3 1 10(a) (d) of (i).					
۵٫۱	1.☐ Certified copies of the priority documen	ts have been received.						
	2. Certified copies of the priority document		Application No					
	3. Copies of the certified copies of the prid			l Stage				
	application from the International Burea	•		3				
* 5	see the attached detailed Office action for a lis	, , , , , , , , , , , , , , , , , , , ,	ot received.					
		,						
Attachmen	t(s)							
	e of References Cited (PTO-892)	4) Interview	w Summary (PTO-413)					
	e of Draftsperson's Patent Drawing Review (PTO-948)		o(s)/Mail Date	O 152)				
	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 r No(s)/Mail Date	6) Other:	of Informal Patent Application (PT	U-132j				

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DETAILED ACTION

Election/Restrictions

1. The Examiner acknowledges the applicant withdrawal of claims 7 and 8.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Lack of antecedent basis for "at-rest diameter dimension" and "outer diameter dimension".

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the first paragraph of 35 U.S.C. 112:
 - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claims 1-3, 5, 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claim 1 recites an "atrest *diameter* dimension" and an "outer *diameter* dimension". Neither the original specification nor drawings provide for such limitations. Applicant description of the front recess are as follows:

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[0026] The relationship between the receiver's front recess and the barrel or barrel extension (the later of which is shown in FIG. 1), can take a number of forms. The receiver's front recess can: (1) be in a slip-fit relationship with the barrel or barrel extension in which case it can be compressed by means of compression means (discussed in more detail below) after the barrel or barrel extension is inserted; (2) be larger than the outside dimension of the barrel or barrel extension (even more so than the case in (1), above), in which case it is also compressed by means of compression means (discussed in more detail below) after the barrel or barrel extension is inserted; or (3) be smaller than the outer dimension of the barrel or barrel extension, in which case it can be mechanically (or otherwise, such as thermally) expanded to allow the insertion of a barrel or barrel extension into the front recess and allowed to return to its at-rest position and thereby anchor the barrel or barrel extension in place with respect to the receiver.

[0028] As in the embodiments shown in FIGS. 1-5, there can be clamping holes formed in receiver 120, which are

. . . .

front recess 122. As noted above, although adequate compressive force against the barrel or barrel extension may be achieved by manufacturing a radially inward bias in the receiver so that the at-rest position of front recess 122 is smaller than the barrel or barrel extension radius, the use of appropriate fasteners as described above can aide in this compressive and clamping force. Alternatively, the at-rest

There is no mention of an "at-rest diameter dimension" or "outer diameter dimension". With respect to the preferred embodiment, the specification merely discloses that an "at-rest position" of the front recess is "smaller than the barrel or barrel extension radius. The claims must disclose the dimensions within these boundaries.

6. Claims 1-3, 5, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not known what is meant or

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encompassed by the phrases "at-rest diameter dimension" or "outer diameter dimension".

Claim Rejections - 35 USC § 102

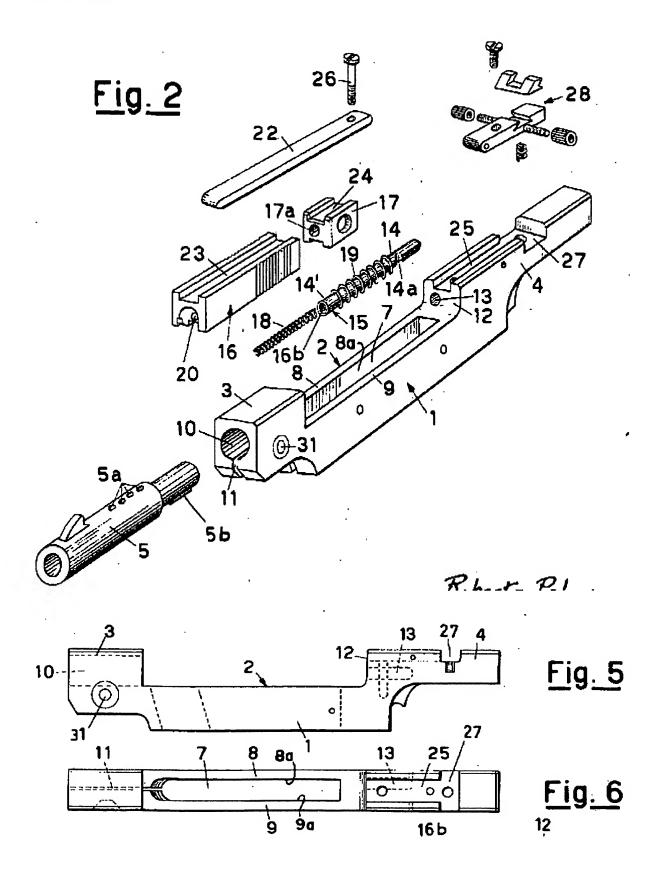
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3711980 issued to Palama. Palama discloses a receiver for a firearm as shown below.

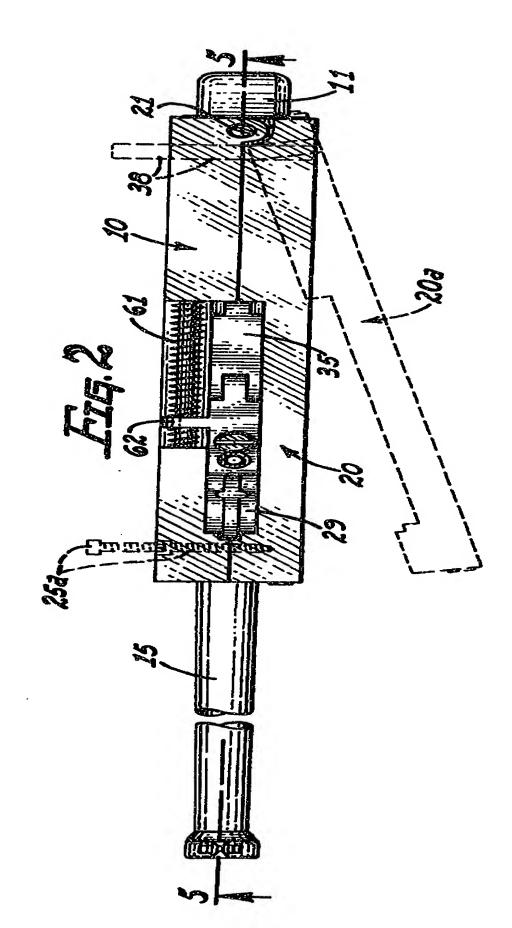
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9. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Canadian Patent 925334 issued to Perrine. Perrine discloses a firearm as shown below.

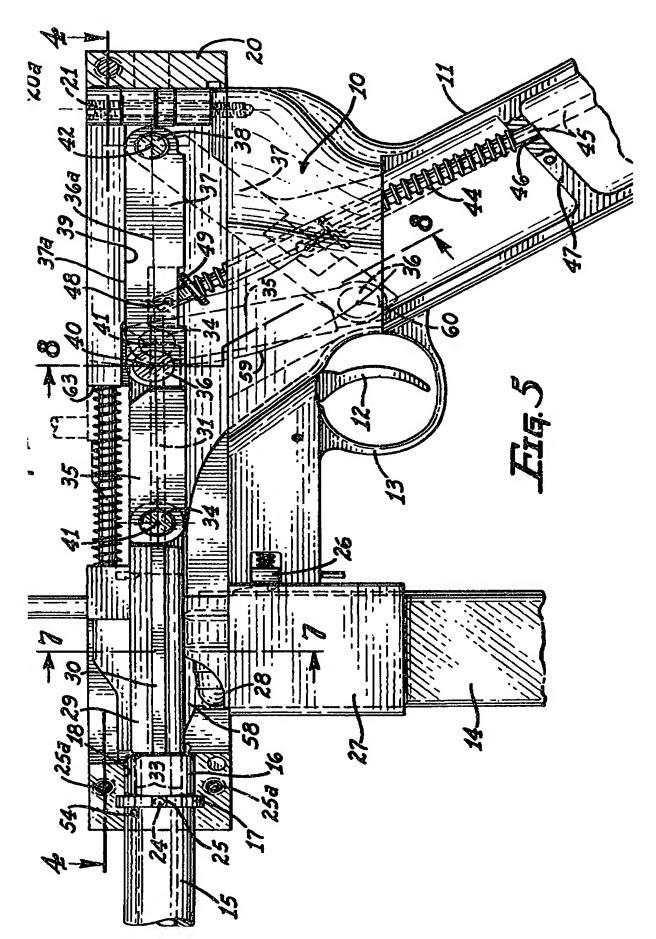
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Claim Rejections - 35 USC § 103

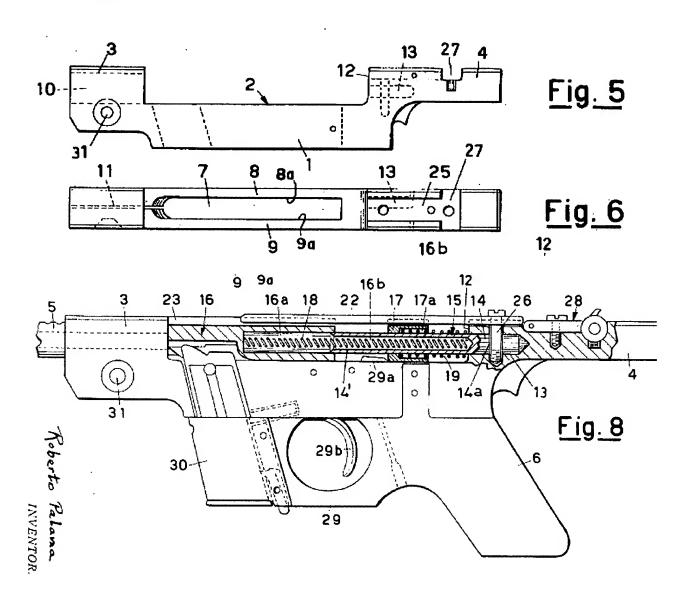
10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 11. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Palama or Perrine in view of US 20050262752 issued to Robinson. Palama and Perrine discloses a firearm receiver as discussed above but do not readily disclose one made of aluminum or polymeric material. Robinson discloses such a receiver at [0061]. At the time of the invention, one having ordinary skill in the art would have found it obvious to provide the receiver of either Palama or Perrine with the aluminum or polymeric material of Robinson. The suggestion/motivation for doing so would have been to decrease the overall weight of the firearm.

Response to Arguments

12. Applicant's arguments filed 08/04/06 have been fully considered but they are not persuasive. Despite applicant's arguments to the contrary, Palama continues to anticipate at least claim 1.

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As shown in Figs. 5 and 8 of Palama, the greatest outer diameter of the barrel 5 is larger than the opening at 10.

13. Perrine continues to anticipate as well. Perrine discloses a barrel 15 having a flange 17 (larger diameter) received within a bore 18 (Perrine, pg. 4, line 29 to pg. 5, line 3; and, Fig. 5).

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Conclusion

14. This is a continuation of examination of applicant's earlier Application of the same number. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS**MADE FINAL even though it is a first action in this case. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (571) 272-6874 between the hours of 7:00 a.m. to 3:30 p.m., M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (571) 272-6873.

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Troy Chambers
Primary Examiner
Art Unit 3647

TC

10 August 2006